

IN RE: PETITION FOR ZONING VARIANCE
E/S York Road, 575' N of the
c/l of Monkton Road
(17005 York Road)
7th Election District
3rd Councilmanic District
Randolph Shelley, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-485-A

SECOND AMENDED ORDER

WHEREAS, the Petitioners requested variances from setback and parking lot paving requirements in accordance with Petitioner's Exhibit 1;
WHEREAS, the relief requested was granted, subject to restrictions, on June 27, 1990, after which an amended Order was issued on July 6, 1990 to modify Restriction No. 6 thereof;

WHEREAS, Counsel for Petitioners has advised this Office that the Original and Amended Orders in this matter incorrectly reflected a request for an existing front yard (future side yard) landscape setback of 8 feet in lieu of the required 15 feet, when in fact the Petition filed indicates the request was for a proposed front yard landscape setback of 8 feet;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of August, 1990 that the Order issued June 27, 1990 and Amended Order issued July 6, 1990 be adjusted to correctly reflect a request and granting of a proposed front yard landscape setback of 8 feet in lieu of the required 15 feet; and,

IN RE: PETITION FOR ZONING VARIANCE
E/S York Road, 575' N of the
c/l of Monkton Road
(17005 York Road)
7th Election District
3rd Councilmanic District
Randolph Shelley, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-485-A

AMENDED ORDER

WHEREAS, the Petitioners requested variances from setback and parking lot paving requirements in accordance with Petitioner's Exhibit 1;

WHEREAS, the relief requested was granted, subject to restrictions, on June 27, 1990;

WHEREAS, Counsel for Petitioners requested a modification of Restriction No. 6 of said Order and advised this Office that a future meeting between the parties and the Department of Public Works would resolve the drainage ditch issue set forth therein;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of July, 1990 that Restriction No. 6 of the Order issued June 27, 1990 be modified to read as follows:

"6) The existing drainage ditch will be piped if required by the Department of Public Works or the Department of Environmental Protection and Resource Management."

IT IS FURTHER ORDERED that all other conditions and restrictions of the Order issued June 27, 1990 shall remain in full force and effect.

ANN:bjs
cc: Mr. & Mrs. Robert A. Miller
17005 York Road, Monkton, Md. 21111
Mr. Horace A. Palmer, Hereford Community Association
517 Gifford Lane, Monkton, Md. 21111
People's Counsel; File

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued June 27, 1990 and Amended Order issued July 6, 1990, shall remain in full force and effect.

ANN:bjs
cc: Mr. & Mrs. Robert A. Miller
17005 York Road, Monkton, Md. 21111
Mr. Horace A. Palmer, Hereford Community Association
517 Gifford Lane, Monkton, Md. 21111
People's Counsel
File

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

IN RE: PETITION FOR ZONING VARIANCE
E/S York Road, 575' N of the
c/l of Monkton Road
(17005 York Road)
7th Election District
3rd Councilmanic District
Randolph Shelley, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-485-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing front yard (future side yard) setback of 3 feet in lieu of the required 15 feet, existing front yard (future side yard) landscape setbacks of 0 feet and 8 feet in lieu of the required 15 feet for each, and a parking lot with an impervious surface in lieu of the required minimum 7% pervious surface, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Randolph Shelley, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition was Gene Goldberg, Engineer, Albert W. Rubeling, Jr., Architect, and Agnes E. Basel. Appearing as interested parties were Robert and Lorraine Miller, adjoining property owners, and Horace A. Palmer, on behalf of the Hereford Community Association. Wally Lippincott, Community Planner, appeared on behalf of the Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property, known as 17005 York Road, consists of 0.601 acres split zoned B.M.-C.R. and B.L.-C.R., and is improved with a two story dwelling which has been vacant for the past year. Petitioners originally intended to construct an addition to the existing dwelling and develop the property for retail/office space use as permitted under the zoning classification. However, after discussions

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-485-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 259.3.C.2 to permit a 3 ft. existing front (future side yard) setback in lieu of the required 15 ft.; 259.3.C.3.a. to permit a 0 ft. existing front (future side yard) landscape setback and a 8 ft. front landscape setback in lieu of the required 15 ft.; of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing.
* and 259.3.C.3.b. to permit a parking lot of an impervious surface in lieu of the required 7% pervious surface.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: N/A (Type or Print Name)	Legal Owner(s): Randolph Shelley (Type or Print Name)
Signature _____	Signature _____
Address _____	Address _____
City and State _____	City and State _____
Attorney for Petitioner: Robert Hoffman (Type or Print Name)	16951 York Road (301) 329-8040 Monkton, Maryland 21111 City and State
Signature _____	Signature _____
Venable, Baetjer & Howard 210 ALLEGHENY AVENUE Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Agnes E. Basel P.O. Box 356 (301) Monkton, Maryland 21111 329-8040 City and State
Baltimore, Maryland 21204 City and State	
Attorney's Telephone No.: (301) 823-4111	

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of April, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of April, 1990, at 11:30 o'clock
A.M.
J. Robert Hoffman
Zoning Commissioner of Baltimore County

(over)

with the community and further examination of the condition of the existing dwelling. Petitioners revised their plans and as a result, have modified their request for variances.

In particular, Petitioners requested a dismissal of the variances for an existing front yard (future side yard) setback of 3 feet and the existing front yard (future side yard) landscape setback of 0 feet in lieu of the required 15 feet. Testimony indicated that after removal of the existing dwelling, the proposed modifications to the plan in those areas will be in strict compliance with the required setbacks.

Gene Goldberg testified as to the practical difficulty and unreasonable hardship Petitioner would suffer if the remaining variances were not granted. He indicated that the granting of the variances will not result in any detriment to the health, safety or general welfare of the community.

Mr. Miller and Mr. Palmer indicated that they had no objection to the remaining variances. Testimony indicated that the parking lot and landscape variances were specifically for the south side of the property which adjoins commercial uses rather than the north side which abuts the residential property of the Millers.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the

district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 72 Md. App. 78 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 1990 that the Petition for Zoning Variance to permit an existing front yard (future side yard) landscape setback of 8 feet in lieu of the required 15 feet and a parking lot with an impervious surface in lieu of the required minimum 7% pervious surface, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall prepare a revised site plan incorporating the removal of the existing dwelling. Said plan shall be in strict compliance with the zoning regulations, except as variances herein.

3) Prior to the issuance of any building permits, Petitioners shall obtain approval of the revised site plan by the Maryland Department of Transportation, State Highway Administration.

4) Compliance with the requirements of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 10, 1990.

4) Lighting for the proposed building will be directed and screened so as not to illuminate the residential property to the north.

5) There shall be no fencing between the proposed building and the residential property to the north.

6) The existing drainage ditch will be piped.

7) There will be no parking permitted on York Road.

8) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit an existing front yard (future side yard) setback of 3 feet in lieu of the required 15 feet and an existing front yard (future side yard) landscape setback of 0 feet in lieu of the required 15 feet, be and is hereby DISMISSED as moot.

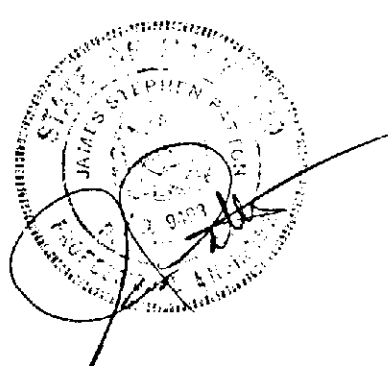
ANN:bjs
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER FOR FILING
Date 6/10/90
By [Signature]

PROPERTY DESCRIPTION
17005 YORK ROAD
HEREFORD, BALTIMORE COUNTY
FOR ZONING ONLY

336
90-485-A

BEGINNING at a point on the eastern right-of-way of York Road, north of the intersection with Mt. Carmel Road, between Plats 6377/79 and 7484/277; thence along the easterly right-of-way of York Road North 03°17'06" West, 133.93 feet to a pipe (set); thence common to a lot now or formerly of Robert R. and Emma L. Miller, North 88°03'19" East, 117.07 feet to a pipe (set); thence North 03°17'14" West, 3.00 feet to a pipe (set); thence North 88°03'19" East, 83.00 feet to a pipe; thence South 03°17'14" East, 132.32 feet to a point common with a parcel now or formerly of Robert F. and Rita M. Zgorzki; thence South 86°44'05" West, 200.02 feet to the point of BEGINNING. Containing 26,576+ square feet/0.6101 acres, more or less.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 1894

Date
3/27/90
PUBLIC HEARING FEES
020 -ZONING VARIANCE (OTHER)
LAST NAME OF OWNER: SHELLEY
TOTAL: \$175.00

Cashier Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th
Posted for: Randolph Shelley, et ux
Petitioner: Randolph Shelley, et ux
Location of property: E/S York Rd., 575 N of c/l of Monks Rd.
Location of sign: E/S York Rd., 575 N of c/l of Monks Rd.
Remarks: on property of R. Shelley
Posted by: J. Robert Haines
Number of signs: 1
Date of Posting: 6/1/90
Date of return: 6/1/90

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
Case number: 90-485-A
E/S York Road, 575 N of c/l of Monks Road
17005 York Road
7th Election District
3rd Councilmanic
Petitioner(s): Randolph Shelley, et ux
Hearing Date: Tuesday, June 19, 1990 at 11:30 a.m.

Variance: to permit a 3 ft. existing front (future side yard) setback in lieu of the required 15 ft. AND to permit a 0 ft. existing front (future side yard) landscape setback AND a 6 ft. front landscape setback in lieu of the required 15 ft. AND to permit a parking lot of an impervious surface in lieu of the required 7% pervious surface.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ5/231 May 24.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 29, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 24, 1990

THE JEFFERSONIAN,

S. Zate Orman
Publisher

\$ 117.77

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 30, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 22, 1990.

TOWSON TIMES,

S. Zate Orman
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Robert Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Baltimore, MD 21204

June 6, 1990

RE: Item No. 336, Case No. 90-485-A
Petitioner: Randolph Shelley, et ux
Petition for Zoning Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Randolph Shelley
16951 York Road
Monkton, MD 21111

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 6-6-90

Mr. & Mrs. Randolph Shelley
16951 York Road
Monkton, Maryland 21111

Re: Petition for Zoning Variance
CASE NUMBER: 90-485-A
E/S York Road, 575' N of c/l of Monks Road
17005 York Road
7th Election District - 3rd Councilmanic
Petitioner(s): Randolph Shelley, et ux
HEARING: TUESDAY, JUNE 19, 1990 at 11:30 a.m.

Dear Petitioners:

Please be advised that \$175.77 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Robert Hoffman, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 4, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-485-A
E/S York Road, 575' N of c/l of Monks Road
17005 York Road
7th Election District - 3rd Councilmanic
Petitioner(s): Randolph Shelley, et ux
HEARING: TUESDAY, JUNE 19, 1990 at 11:30 a.m.

Variance: To permit a 3 ft. existing front (future side yard) setback in lieu of the required 15 ft. AND to permit a 0 ft. existing front (future side yard) landscape setback AND a 6 ft. front landscape setback in lieu of the required 15 ft. AND to permit a parking lot of an impervious surface in lieu of the required 7% pervious surface.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Shelley
Agnes E. Basel
Robert Hoffman, Esq.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2761

Date
6/6/90
PUBLIC HEARING FEES
020 -ZONING VARIANCE (OTHER)
LAST NAME OF OWNER: SHELLEY
TOTAL: \$175.00

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 18th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman
Zoning Plans Advisory Committee

Petitioner: Randolph Shelley, et ux
Petitioner's Attorney: Robert Hoffman



**Maryland Department of Transportation
State Highway Administration**

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

April 30, 1990

RE: Baltimore County
Randolph Shelley Property
Zoning meeting 4/17/90
E/S York Road
MD 45
opposite Mt. Carmel Road
MD 137
Item # 336

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Dear Mr. Haines:

After reviewing the submittal for a variance to permit various setbacks, we offer the following:

We strongly recommend all access to this site by way of Firchouse Lane and not York Road. This would require an agreement with the Fire Department for use of this private road. If this agreement cannot be accomplished, we will allow access to York Road with the following required highway improvements:

York Road must be widened to a point 24' from the centerline along the entire frontage of the site including the construction of concrete curb and gutter; and
The entrance onto York Road must be 25' in width with 10' radii.

All work within State Highway Administration right-of-way must be performed under an access permit issued by this office prior to issuance of building permits.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: LPJ, Inc
Mr. J. Ogle

333-1350

My telephone number is (301)

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 385-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 27, 1990

Robert A. Hoffman, Esquire
210 Allegheny Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S York Road, 575' N of the c/l of Monkton Road
(17005 York Road)
7th Election District - 3rd Councilmanic District
Randolph Shelley, et ux - Petitioners
Case No. 90-485-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN N. NASTAROWICZ
ANN N. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:njs

cc: Mr. & Mrs. Robert A. Miller
17009 York Road, Monkton, Md. 21111

Mr. Horace A. Palmer, Hereford Community Association,
517 Gifford Lane, Monkton, Md. 21111

People's Counsel

File



Dennis F. Rasmussen
County Executive

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: J. Robert Haines
Zoning Commissioner
DATE: June 11, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Randolph Shelley, Item No. 336

The Petitioner requests a variance to permit a 3 ft. existing front (future side yard) setback in lieu of the required 15 ft.; to permit a 0 ft. existing front (future side yard) landscape setback and an 8 ft. front landscape setback in lieu of the required 15 ft.; and to permit a parking lot of an impervious surface in lieu of the required 7% pervious surface.

In reference to this request, staff offers the following comments:

- The Petitioner's property was subject to a CRG hearing on January 11, 1990, which was continued to address several outstanding issues (see County Review Meeting Summary attached).

- The Office of Planning and Zoning and the Zoning Office's comments are also offered for review.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
Attachment

ITEM336/ZAC1

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: J. Robert Haines
Zoning Commissioner
DATE: June 15, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Randolph Shelley, Item No. 336

Please find the following additional comment as a supplement to our June 11, 1990 comment on this petition.

- 1.) The plan as submitted meets the spirit and intent of the Hereford Community Plan as adopted by Planning Board on March 15, 1990.
- 2.) Specifically, the plan calls for adaptive reuse of older buildings that contribute to the streetscape. The existing building on this site, if properly restored, has the potential to contribute to the streetscape.
- 3.) Some residents and representatives of the Hereford Community Association would prefer that the existing building be removed and a new building comply with the setbacks. In reaction to this, we suggest that a condition be that in the event the existing structure (not including foundation) must be demolished that the new replacement building comply with the required zoning setbacks.
- 4.) Other conditions include:
 - a. Lighting of proposed building will be directed and screened so as not to illuminate the residential property on the north;
 - b. There is to be no fencing between the proposed building and the residential property to the north;
 - c. The existing drainage ditch will be piped; and
 - d. There will be no parking permitted on York Road.

PK/WSL/cmm
ITEM336.SUP/ZAC1

JUN 15 1990

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT**

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

APR 2 1990

Zoning Item # 336, Zoning Advisory Committee Meeting of April 17, 1990

Property Owner: Randolph Shelley, et ux District: 7

Location: 17005 York Road Sewage Disposal: private

Water Supply: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chabroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type health care facilities, must be submitted to the Baltimore County Department of Health and Mental Hygiene for review and approval.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type health care facilities, must be submitted to the Baltimore County Department of Health and Mental Hygiene for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6300 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and waste removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted, must be conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3990.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others Revised plans showing proposed additions, soil evaluation test pits, etc. must be submitted to the Division of Water & Sewer prior to approval of building permit application. Dig well on property must be properly abandoned and backfilled.

Signature
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

April 6, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 324, 329, 330, 331, 334, 335, 336, 337, 339, 340, 341, and 342.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/Lvw

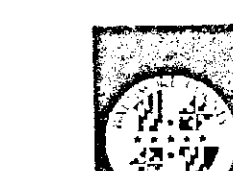
RECEIVED
APR 16 1990

ZONING OFFICE

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610

Ted Zaleski, Jr.
Director

APRIL 9, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RANDOLPH SHELLEY
Location: #17005 YORK ROAD
Item No.: 336 Zoning Agenda: APRIL 17, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code Prior to occupancy or beginning of operation. Water for fire protection shall be provided in accordance with the Urban Guide for Fire Protection and Control Master Planning.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. Chapters 24 and 26.

REVIEWER: *Signature* 4-9-90 Noted and Approved
Planning/Group Fire Prevention Bureau
Special Inspection Division

JK/REK

APR 1 1990

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Zoning Advisory Committee
DATE: May 11, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 17, 1990

The Developers Engineering Division has reviewed the subject revised zoning items and we have no comments for Item 330, 331, 334, 335, 337, 339, 340, 341.

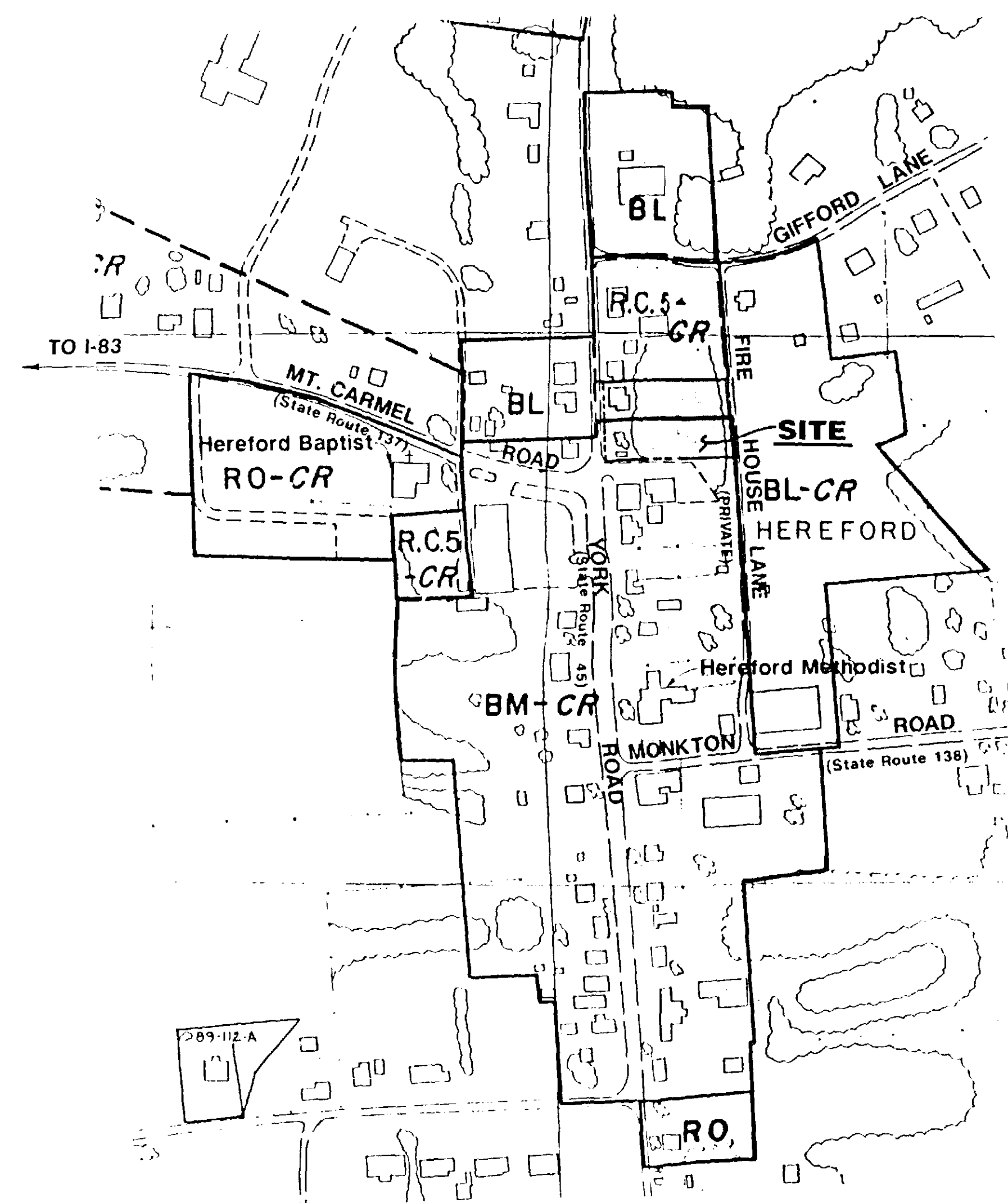
For Item 324, a County Review Group Plan may be required.

For Items 329 and 336 the previous County Review Group Comments still apply.

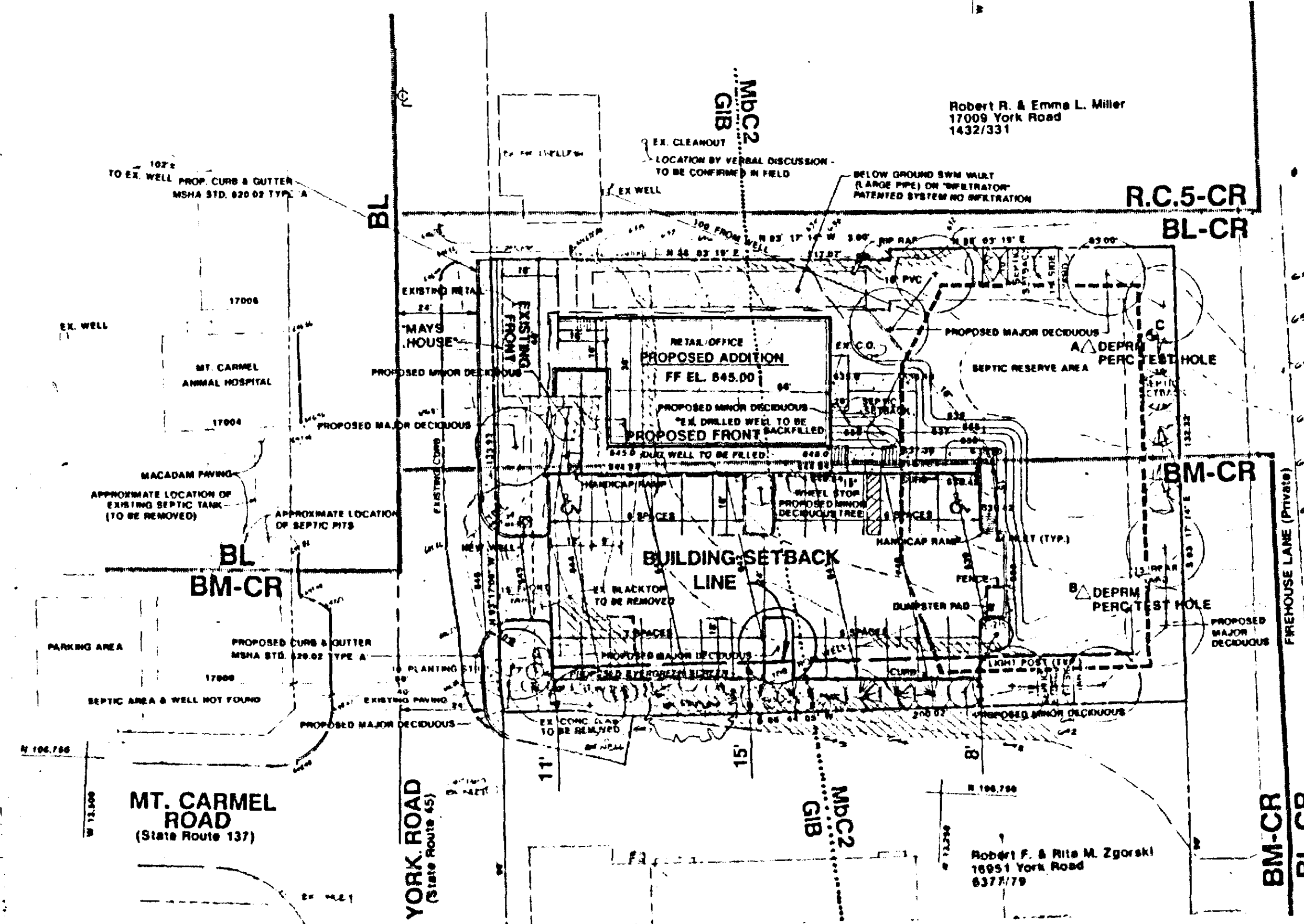
For Item 342, no comment on the variance request, however, the plat reference for Lot 5, Block B is SM 60, Folio 32.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

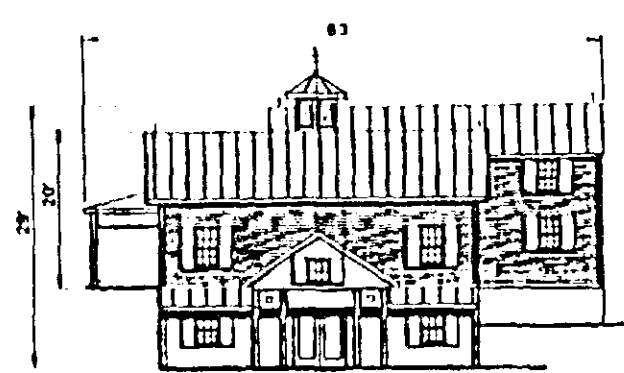
RWB:s



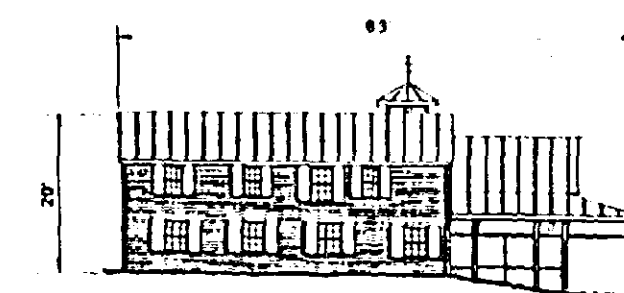
LOCATION MAP
SCALE: 1"=200'



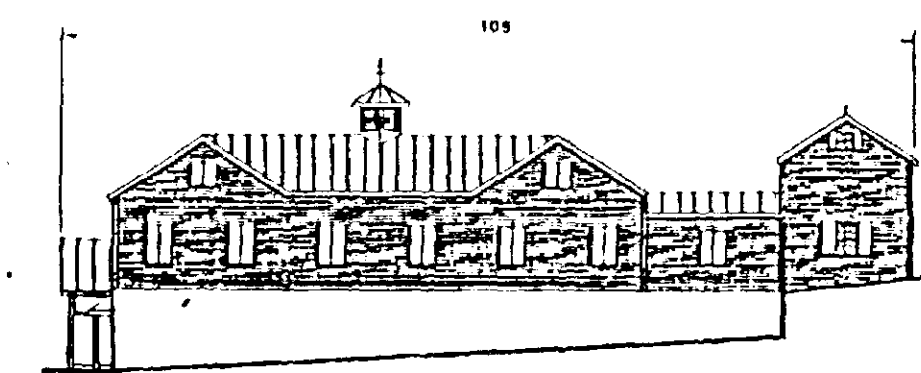
PLAN
SCALE: 1"=30'



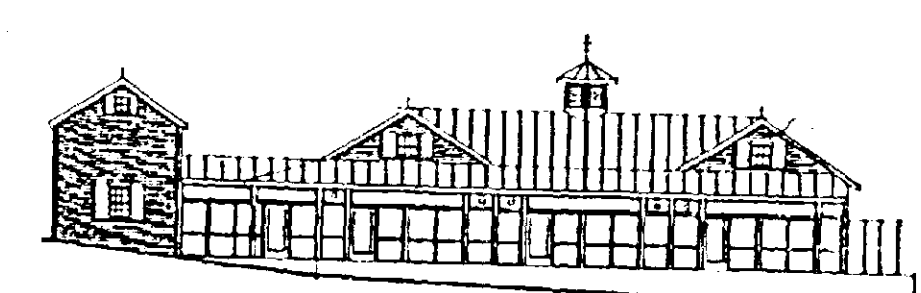
EAST ELEVATION
N.T.S.



WEST ELEVATION YORK ROAD
N.T.S.

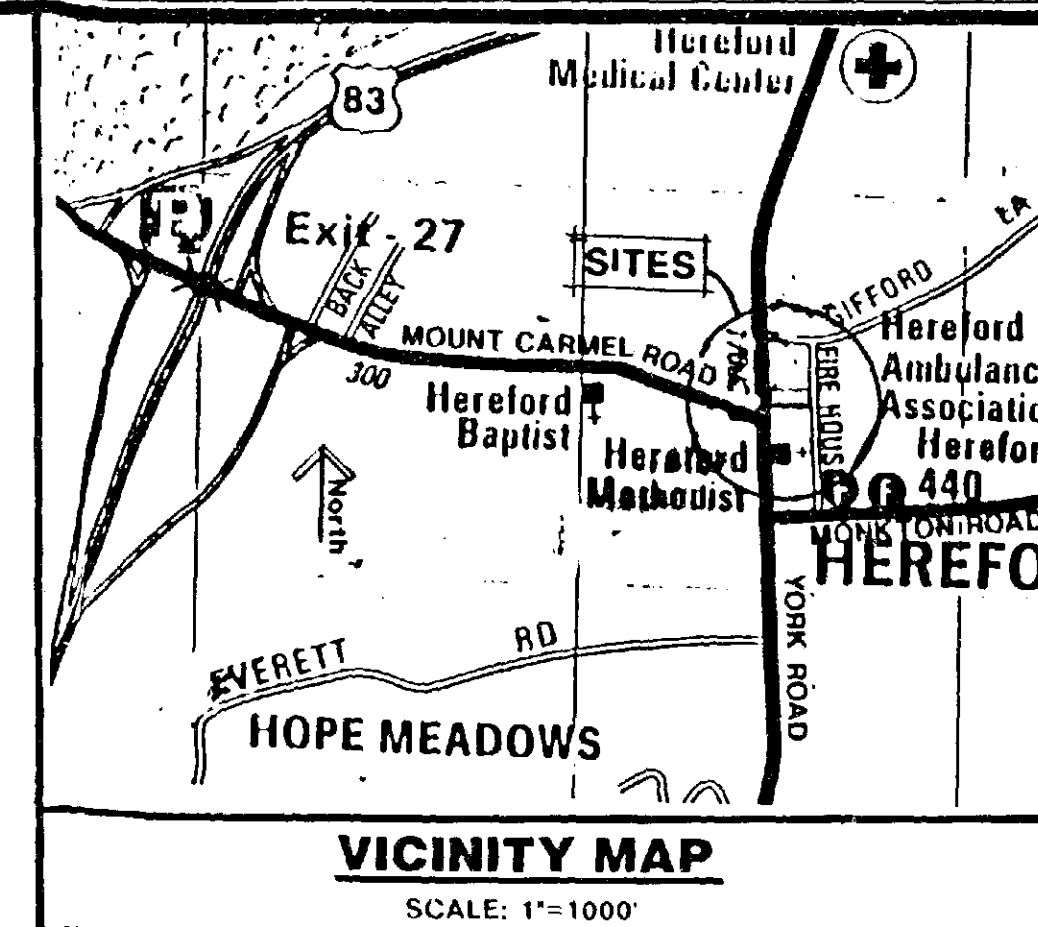


NORTH ELEVATION
N.T.S.



SOUTH ELEVATION
N.T.S.

- Notes:**
- Existing building is commercial space. Proposed addition is commercial and office space.
 - Number of persons using the facilities will be 18.



GENERAL NOTES:

- SECTION DISTRICT: 2
CONCESSION DISTRICT: 3
CRUS TRACT: 4071
WATERSHED: 13
FLOODPLAIN: NONE
- SITE ACREAGE
LOT 1 - GROSS: 0.6101 AC.
NET: 0.6101 AC.
- LANDSCAPE CALCULATIONS
LOT 1 - REQUIRED: TOTAL RETAIL - 14.8 SPACES - 2,350 S.F.
TOTAL OFFICE - 7.7 SPACES - 2,310 S.F.
22.5 SPACES
REQUIRED: 22.5 SPACES
PROPOSED: 25 SPACES (INCL. 2 HANDICAP)
- LANDSCAPE CALCULATIONS
LOT 1 - 1 TREE/8 PARKING SPACES = 3.12
1 TREE/20 L.F. ROADS = 7.75
10.87
LESS CREDIT FOR EXISTING TREES = 1
TOTAL 9.87
* 6 TREES MUST BE MAJOR DECIDUOUS.
- SLURRY AREA RATIO = 0.2
LOT 1 - ALLOWED: 26,516 SQ. FT. X 0.2 = 5,315 SQ. FT.
PROPOSED: 5,780 SQUARE FEET - F.A.R. = 0.19
- THERE ARE NO STREAMS, BODIES OF WATER, SPRINGS, OR WETLANDS ON THE SITE, WITHIN 50 FEET OF THE PROPERTY LINE.
- THE SITES ARE NOT LOCATED IN 100-YEAR FLOODPLAIN.
- LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINE ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINES OF THE SITE.
- ALL PARKING AND ENTRANCE AND EXIT AREA TO BE BITUMINOUS CONCRETE AND APPROPRIATELY STRIPPED.
- SIGNS WILL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS, SECTION NO. 259.3.C.7
- THE PROPERTY IS ZONED BM-CR AND BL-CR
BM-CR ACREAGE = 0.326± AC.
BL-CR ACREAGE = 0.284± AC.

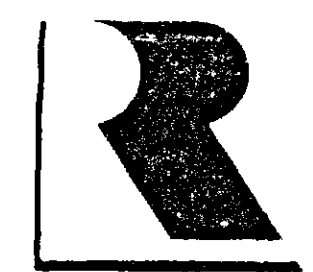
OWNER/APPLICANT

Randolph and Yvonne Shelley
16951 York Road
Monkton, MD. 21111
(301)329-8040
Tax Number 0713020025
Deed Reference 7484/277

PETITIONER'S
EXHIBIT

revisions		
no.	date	comments

HEREFORD OFFICES
Shelley Property
17005 York Road
Monkton, MD. 21111



RUBELING & ASSOCIATES
ARCHITECTS

530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
(301) 557-2880

LPJ INC.

CONSULTING ENGINEERS
* STRUCTURAL
* CIVIL
* SITE PLANNING

16 West 25th Street
Baltimore, Maryland 21218
(301) 366-7800

SITE PLAN

TO ACCOMPANY

PETITION FOR
VARIANCE
REQUEST

scale: AS SHOWN	project no. 14988
drawn:	drawing no.
design:	S-1
checked:	
date: 3/20/90	sheet 1 of 1